

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,
Plaintiff,
v.
JIMEL FRANK,
Defendant.

No. 3:15cr29(JBA)

February 3, 2016

**ORDER DENYING DEFENDANT FRANK'S MOTION FOR CONTINUED
APPOINTMENT OF TWO COUNSEL**

Defendant Jimel Frank seeks [Doc. # 92] an order permitting him to continue to be represented by the two attorneys appointed when he faced a possible death penalty. For the following reasons, Defendant Frank's motion is denied.

On November 12, 2015, Defendant Frank entered his plea of guilty to Count Two of the Indictment charging him with Committing a Violent Crime in Aid of Racketeering (Murder), and he now awaits sentencing. Not only does Defendant no longer face the possibility of a death penalty because the Government has not been granted authorization to so proceed, he does not even face trial.

While Defendant argues that he still stands indicted of a capital offense, notwithstanding the Attorney General's decision to not seek the death penalty, he recognizes that representation by two counsel is no longer mandated by law. *See United States of America v. Douglas*, 525 F.3d 225 (2nd Cir. 2008). Nonetheless, he contends that continuation of two counsel is not precluded and is left to the Court's discretion.

In so arguing, Defendant relies solely on caselaw involving defendants who proceeded to trial. None of the cases cited by defendant appear to involve the exercise of such discretion after a defendant's plea of guilty has been entered and accepted. Nor has defendant explained why there continues to be a need for death qualified counsel or dual appointments for the remaining proceedings in this case.

While undoubtedly Defendant Frank has been well represented by the joint efforts of Attorneys Hasse and Donovan, other than his feeling of being "abandoned," Defendant has not presented any extenuating circumstances or other basis for claiming that he cannot obtain a fair, just and reasonable outcome in the remaining portion of his case with effective representation by only Mr. Hasse. There has been no showing that elimination of one member of the defense team will produce major disruptions to the remaining proceedings.

Accordingly, Defendant's Motion for Continued Appointment of Two Counsel [Doc. # 92] is DENIED. Attorney Donovan's appearance is herewith terminated with the Court's appreciation for his service.

IT IS SO ORDERED.

/s/

Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 3rd day of February 2016.